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Attorney for Defendant  
STEPHON JAMES WHITNEY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**STIPULATION TO CONTINUE PRETRIAL MOTION DEADLINES,  
CALENDAR CALL AND TRIAL DATE (Second Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER CHU, Acting United States Attorney, and DANIEL COWHIG, Assistant United States Attorney, counsel for the United States of America, and YI LIN ZHENG, ESQ. counsel for STEPHON JAMES WHITNEY that the calendar call currently scheduled for August 16, 2021, at 1:30 p.m., and the trial currently scheduled for August 24, 2020, at 9:00 a.m., be vacated and continued for at approximately 75 days to a date and time convenient to this Court but not sooner than November 1, 2021 for a trial date.

This stipulation is entered into for the following reasons:

1. Counsel for the defendant needs additional time to conduct an investigation in this

case, in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations and/or to prepare for trial.

2. Defendant STEPHON JAMES WHITNEY is in custody but has been advised and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of discovery materials and to further discuss the case with defendant.

4. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B)(i) and §3161(h)(7)(B)(iv).

5. This is the second request for a continuance filed herein.

DATED: July 22, 2021

**CHRISTOPHER CHU**  
Acting United States Attorney

# VEGAS GOLDEN LAW

Formerly Momot & Zheng

By /s/ Daniel Cowhig  
DANIEL COWHIG  
Assistant United States Attorney  
Counsel for Plaintiff

By /s/ Yi Lin Zheng  
YI LIN ZHENG, ESQ.  
Counsel for Defendant  
STEPHON JAMES WHITNEY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

## **FINDINGS OF FACT**

Based upon the pending Stipulation of counsel and good cause appearing, the Court finds that:

1. Counsel for the defendant needs additional time to conduct an investigation in this case, in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations and/or to prepare for trial.

2. Defendant STEPHON JAMES WHITNEY is in custody but has been advised and does not object to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of discovery materials and to discuss the case with defendant.

4. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under

1 Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B)(i) and §3161(h)(7)(B)(iv).

2 5. This is the second request for a continuance filed herein.

3 For all of the above-stated reasons, the ends of justice would best be served by a  
4 continuance.

5 **CONCLUSIONS OF LAW**

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7 The ends of justice served by granting said continuance outweigh the best interest of the  
8 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
10 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
11 account the exercise of due diligence.

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13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C.  
14 § 3161(h)(7); and Title 18, U.S.C. § 3161(h)(7)(A), when considering the factors under Title 18,  
15 U.S.C. § 3161(h)(7)(B), § 3161(h)(7)(B)(i) and § 3161(h)(7)(B)(iv).

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17 **ORDER**

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19 **IT IS HEREBY ORDERED** that each party shall have 45 days from the date of this  
20 Order to file all pretrial motions. Responses to any motions shall be filed within 14 days from  
21 the date of service of the motions; and any replies may be filed within 7 days of service of the  
22 responses.

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24 **IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions,  
25 proposed jury instructions, and a list of exhibits must be submitted to the Court by  
26 January 18, 2022.

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1           **IT IS FURTHER ORDERED** that the calendar call currently scheduled for August 16,  
2 2021, be vacated and continued to January 18, 2022, at 1:30 p.m.; and the trial currently  
3 scheduled for August 24, 2021, be vacated and continued to January 25, 2022, at 9:00 a.m.  
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5           **IT IS FURTHER ORDERED** that the parties are excused from the Master Trial  
6 Scheduling Conference on August 3, 2021.  
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8           Dated: July 28, 2021.  
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11           JENNIFER A. DORSEY  
12           UNITED STATES DISTRICT JUDGE  
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